

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Huang	Team: Squad #4	CCRB Case #: 201907123	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/07/2019 6:00 PM	Location of Incident: § 87(2)(b)	Precinct: 61	18 Mo. SOL 2/7/2021	EO SOL 9/24/2021	
Date/Time CV Reported Sat, 08/10/2019 12:19 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 08/10/2019 12:19 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Christopher Arnone	10665	965937	061 PCT
2. POM Samadh Alauddin	03324	963359	061 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Adnand Misku	13851	966226	061 PCT
2. POM Tzu Cheung	02790	932458	061 PCT
3. POM Domenick Camerada	16718	963893	061 PCT
4. POM Jorge Quiles	07970	966288	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Samadh Alauddin	Abuse: Police Officer Samadh Alauddin forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
B.POM Christopher Arnone	Abuse: Police Officer Christopher Arnone forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)
C.POM Samadh Alauddin	Abuse: Police Officer Samadh Alauddin threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

On August 10, 2019, § 87(2)(b) filed this complaint with the CCRB via email (**BR 01**).

On August 7, 2019, at approximately 6:00PM, Police Officer Christopher Arnone, Police Officer Samadh Alauddin, and additional officers from the 61st Precinct responded to a 911 call regarding a domestic dispute between § 87(2)(b) and his adult son, § 87(2)(b) at § 87(2)(b) in Brooklyn. PO Alauddin and PO Arnone forcibly removed § 87(2)(b) to the hospital (**Allegations A and B: Abuse of Authority**, § 87(2)(g) PO Alauddin told § 87(2)(b) “Do you want me to drag you or do you wanna go quietly?” (**Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) was taken to § 87(2)(b) Hospital.

No arrests were made or summons issued.

The CCRB obtained BWC footage of this incident (**BR 02**).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Samadh Alauddin forcibly removed § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: Police Officer Christophe Arnone forcibly removed § 87(2)(b) to the hospital.

It is undisputed that officers responded to a 911 call about a domestic dispute at § 87(2)(b) in Brooklyn (**BR 11**). It is also undisputed that § 87(2)(b) was removed to the hospital.

§ 87(2)(b) (**BR 03**) stated that he called 911 due to an argument he had with § 87(2)(b) § 87(2)(b) waited on the front porch for officers to arrive. Officers responded and walked right past him without saying a word and spoke with § 87(2)(b) at the front door of the house. § 87(2)(b) heard one of the officers say, “He’s been drinking. Put him in the ambulance.” The officers had been present for approximately thirty minutes when this statement was made. An officer told § 87(2)(b) to get up. § 87(2)(b) refused. The officer responded, “If you don’t go, I’m gonna cuff you.” § 87(2)(b) complied to avoid causing a scene and got into the ambulance. § 87(2)(b) said something to the officers about § 87(2)(b) drinking alcohol. § 87(2)(b) did not hear any officer say that they could smell alcohol on him. § 87(2)(b) had consumed two glasses of scotch and water over the course of an hour and a half.

The CCRB reached out to § 87(2)(b) via phone and he refused to provide a statement in relation to this incident (**BR 13**).

EMT § 87(2)(b) (**BR 07**) did not remember the incident. EMT § 87(2)(b) stated that in the case of a domestic dispute, an EMT would usually perform an evaluation. EMTs often have final say in whether someone needs to be removed to the hospital.

BWC footage from PO Arnone (**BR 02**) shows the interaction between PO Alauddin, PO Cheung, PO Arnone and § 87(2)(b) on the front porch. At 00:43, after § 87(2)(b) repeatedly

asks for a sobriety test, PO Alauddin responds, “I smelled alcohol, that’s all the test I need.” Immediately afterwards, PO Arnone asks § 87(2)(b) “Do you want to walk on the ambulance, or do you want to go in cuffs?” At 01:07, PO Alauddin again speaks to § 87(2)(b) who is off-camera. PO Alauddin says, “It’s how you want to go about it, sir. Do you want me to drag you or do you want to go quietly?” § 87(2)(b) goes on to tell officers that he does not want § 87(2)(b) at his house. PO Alauddin, PO Arnone, and PO Cheung tell § 87(2)(b) to take the issue to landlord-tenant court. Between 01:41 and 01:46, PO Cheung tells § 87(2)(b) “Listen, you have to go.” § 87(2)(b) asks the officers in what situation can he refuse to go to the hospital. All three officers state that there is no reason for § 87(2)(b) to say no. At 02:09, § 87(2)(b) gets up from where he is sitting and agrees to walk to the ambulance. EMTs are seen standing by, but they do not interact with or evaluate § 87(2)(b).

PO Alauddin (**BR 04**) and PO Arnone (**BR 06**) stated that they arrived first. § 87(2)(b) was sitting on the porch outside. § 87(2)(b) was standing by the doorway into the house. PO Alauddin approached and spoke with § 87(2)(b). PO Arnone approached and spoke with § 87(2)(b). At some point, PO Alauddin joined PO Arnone in speaking with § 87(2)(b). Both officers stated that § 87(2)(b) showed signs of intoxication and belligerence. PO Alauddin stated that § 87(2)(b) smelled of alcohol, had red and hazy eyes, and had difficulty moving and speaking. PO Arnone stated that § 87(2)(b) was loud, incoherent, and admitted to drinking before officers arrived. PO Alauddin and PO Arnone also stated that there was a high chance of conflict between the two parties if § 87(2)(b) did not go to the hospital. PO Alauddin and PO Arnone told § 87(2)(b) that he needed to go to the hospital. § 87(2)(b) initially refused to go in the ambulance. The officers repeated that § 87(2)(b) needed to go to the hospital and § 87(2)(b) then complied and walked to the ambulance. PO Alauddin stated that EMTs spoke with § 87(2)(b) but he did not remember if the EMTs evaluated § 87(2)(b). PO Arnone was unsure if EMTs interacted with § 87(2)(b) or evaluated him.

PO Cheung (**BR 05**) did not recall this incident even after being shown BWC footage. PO Misku (**BR 10**) did not see EMTs interact with § 87(2)(b) or evaluate him because he and PO Cheung had to respond to another call.

The AIDED report, prepared by PO Alauddin, stated that the AIDED § 87(2)(b) was intoxicated and acting belligerent. § 87(2)(b) was removed to § 87(2)(b) Hospital for further medical evaluation (**BR 17**).

NYPD Patrol Guide Procedure 221-13 (**BR 08**) defines an emotionally disturbed person as “a person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others.”

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Allegation (C) Abuse of Authority: Police Officer Samadh Alauddin threatened § 87(2)(b) with the use of force.

This allegation was captured on body-worn camera and was not alleged by § 87(2)(b)

PO Arnone's BWC footage (**BR 02**), at 01:07, shows PO Alauddin say to § 87(2)(b) "It's how you want to go about it, sir. Do you want me to drag you or do you want to go quietly?"

PO Alauddin (**BR 04**) initially denied threatening to use force against § 87(2)(b) to remove him to the hospital. After reviewing the abovementioned body-worn camera footage, PO Alauddin explained that he made this statement because § 87(2)(b) refused to go to the hospital.

NYPD Patrol Guide Procedure 221-01 states that a de-escalatory action is one taken "to stabilize a situation and [...] to gain the voluntary compliance of the subject, when appropriate and consistent with personal safety, to reduce or eliminate the necessity to use force." Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise to protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances (**BR 12**).

§ 87(2)(b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party (**BR 14**).

- ## Mediation, Civil, and Criminal Histories

- Squad No.: 4

Reviewer: _____

Signature _____ Print Title & Name _____ Date _____